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Costa Rica

Food and Agricultural Import Regulations and

Standards

Country Report

2000

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Report Highlights:

There are no changes to Costa Rica's Food and Agricultural Import Regulations and Standards Report (CS8023 dated 13 November 1998)

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COSTA RICA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

Last Updated: July 1998

Section(s) Last Updated: NEW

DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (San Jose, Costa Rica) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

A. FOOD LAWS

Imports of agricultural products to Costa Rica are controlled by different institutions and methods.

The Government of Costa Rica issued a decree that stated beginning December 1, 1989 all imported food products must have labels in Spanish. The Spanish language is required, however other languages may be used simultaneously as long as the required labeling information is included in the Spanish language. The following information must appear on the product label in Spanish, except when otherwise indicated in a national standard or in Codex Alimentarius. Stick on labels are allowed:

- -Name of the product.
- -Net content and drained weight in units of the international system.
- -Artificial colors and flavors (if there are any).
- -List of ingredients listed in decreasing order by weight.
- -Name and address of the importer.
- -Lot number and expiration date.
- -Country of origin.
- -Conservation and use instructions.

The Ministry of Economy also informed that a "Nutritional Standard", including additional labeling regulations for food products which claim to be "low in cholesterol", "free of preservatives", etc. is still being drafted. However, according to the Costa Rican Comptroller's Office, in the absence of a national standard, a Codex Standard may be used instead, although its application is not enforced at this time by the Costa Rican government.

The labeling requirements indicated above are enforced by the Costa Rican Ministry of Economy (Departmento de Normas y Medidas). The Ministry of Economy no longer approves or disapproves labels. Instead, producers and importers must comply with the current labeling regulations or face steep fines if the product is found in the marketplace bearing incorrect labeling.

REGISTRATION REQUIREMENTS/DOCUMENTS

Imported food products must be registered prior to their importation at the Ministry of Health, Department of Food Control (Ministerio de Salud, Departamento de Control de Alimentos). Products are usually registered by the importer. However, once a product is registered it may be imported by a company other than the one which registered the product. Because of this, importers sometimes ask the supplier to share the cost of the registration process.

Dairy products, meat products, seafood and infant formulas require laboratory testing to ensure conformity to import standards. According to the Ministry of Health regulations, after all the required information is submitted, the Ministry will resolve the registration request within five working days for high risk products and two working days for other products.

Product samples shipped via express mail or parcel post are subject to import regulations.

According to a recent decree, for registration purposes, food products are classified as food products, additives and raw materials. According to the General Health Law, if your product makes any health related claims, for instance "good for the treatment of diabetes" it will be classified as a medicine or drug and the registration

process may be different from that described below.

The registration requirements for low risk food products (other than baby foods, seafood, meat and meat products and dairy products) include: a sworn statement by a (local) professional authorized by the corresponding Professional Association (the official laboratories may also issue the statement) indicating that the product meets the general organoleptic, physical, chemical, microbiological and microscopic characteristics established by the quality and sanitary food standards. Also, a sworn statement that the sale, use and consumption of the product are free in the country of origin and its labeling complies with the current legislation. A detailed list of requirements follows:

- 1. Submit a registration request form, typewritten original and copy.
- 2. Certificate of Qualitative Composition of the ingredients used in the product. Certificate on qualiquantitative composition of the additives used in the product. This certificate must be issued by the manufacturer or other competent sanitary authorities from the country of origin. In the case of registration of additives, its components must be indicated.
- 3. Sanitary certificate issued by the government of the country of origin, certifying that the products being exported to Costa Rica are allowed for free sale and consumption and meet the required food specifications of the country of origin. This certificate must be authenticated by the Costa Rican consul and countersigned by the Costa Rican Ministry of Foreign Relations.
- 4. Paid receipt for laboratory analysis, this payment is made at the Treasury of the Ministry of Health.

SAMPLES

Two samples of a minimum weight of 100 grams each must be submitted. This samples must be submitted in the package that will be used, properly identified, with the name of the product and the name of the manufacturer.

ADDITIONAL INFORMATION

The certificates must be submitted in Spanish, in case they are submitted in another language, an official translation from the Ministry of Foreign Relations must accompany the certificate.

The Department of Food Control can request additional documentation or samples as referred to in this document, when it deems it convenient.

REQUIREMENTS FOR RENEWAL OF REGISTRATION OF IMPORTED FOOD PRODUCTS

Registration must be renewed every five years. The same requirements listed above are needed in order to obtain a renewal of the registration.

To register a dietetic product, it must meet the following requirements:

- a. Authorization from the producer to use the brand name
- b. Registration in the country of origin
- c. Certificate of free sale
- d. Quanti-qualitative formula

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- e. Method of analysis
- f. Certificate of analysis
- g. Receipt of payment of Pharmaceutical Association fees
- h. Phytosanitary certificate
- I. Samples for laboratory analysis

The Ministry of Health has the authority (given by Article 345-4 in the Health Law) to determine which products should meet the above requirements, and to determine the free sale of any product.

B. LABELING REQUIREMENTS

<u>Labeling of the Prepackaged Foods</u>

The label on the prepackaged foods must contain the following information as it is applicable to the product to be labeled, except in those cases when there is a specific national standard or a Codex Alimentarius standard.

Food Name

The name of the product must indicate its true nature, and usually should be specific, not generic.

When according to the Codex or to a national norm there are several names for the same product, at least one of these names must be used.

In other cases, must be used the name prescribed by the National Legislation.

When the above names are not available a common name should be used, as long as it does not deceive the consumers.

In the label any phrase or sentence needed to clarify the nature of the product, such as kind of covering, presentation of the product or any special treatment (like dehydration, reconstitution or smoked), must be placed close to the name of the product.

Ingredients list

In all cases, except when the product has only one ingredient, an ingredient list must appear in the label.

The list must have an appropriate title with the word "ingredient" included.

The list should be ordered, in a decreasing order, by the weight of the ingredient (m/m) when the food was manufactured.

When an ingredient is a combination of two or more ingredients, this ingredient (compound ingredient) can be listed as it is, as long as it goes with a list (in parenthesis) of its ingredients in decreasing order of proportions. When a compound ingredient, which has a name from the Codex or from a national norm, has a share of 25 percent (or less) of the total product, its ingredients list does not need to be specified, except for the food additives that have a technological function in the final product.

If water is added it must be indicated in the list of ingredients, except when the water is part of ingredients such as broth in a food product and declared as such in the list of ingredients. It will not be necessary to declare water or other volatile ingredients which evaporate during the production process.

As an alternative to the general dispositions of this section, for dehydrated or condensed foods destined for reconstitution, the ingredients can be listed by order of proportions in the reconstituted product, as long as the list includes a sentence such as "Product ingredients when prepared following the instructions on the label".

The following generic names for the ingredients that belong to the corresponding class can be used:

Ingredient Class	Generic Names
Refined oils different than Olive oil	"Oil", with the word "vegetal" or "animal", and classified as "hydrogenated" or "partially hydrogenated"
Refined Fats	"Fats", with the word "vegetal" or "animal".
Starch, different than chemically modified starch	"Starch"
All fish when it is an ingredient for other product and as long as the label does not refer to a specific kind of fish	"Fish"
All poultry meat when it is an ingredient for other product and as long as the label does not refer to a specific kind of poultry meat	"Poultry meat"
All cheese when it is an ingredient for other product and as long as the label does not refer to a specific kind of cheese	"Cheese"
All spices (no more than 2 percent weight), alone or mixed with the food	"Spice" or "spice mix"
All aromatic herbs or their parts (no more than 2 percent weight), alone or mixed with the food	"Aromatic herbs" or "Aromatic herb mix"
All gum preparations used in the manufacture of the bubble gum base	"Gum base"
All saccharase	"Sugar"

Anhydrous dextrose and monohydrated dextrose	"Dextrose" or "glucose"
All casein	"Casein"
Refined or extracted cocoa butter	"Cocoa butter"
Candy covered fruits (no more than 10 percent of the product's weight)	"Candy covered fruits"

As an exemption the following products must be specified by their specific names: pork fat, butter and bovine fat.

When listing food additives belonging to different classes, the following generic names (together with the specific name according to the Codex or to the National Legislation) must be used:

Agglutinant(s)

Antioxidant(s)

Dying(s)

Emulsifier(s)

Aroma emphasizer(s)

Glossy agent(s)

Preserving substance(s)

Stabilizer(s)

Thickener/jellier(s)

Antisparkling(s)

Flour treatment agent(s)

Artificial sweetener(s)

Acidity regulator(s)

Propellent(s)

Yeast(s)

Emulsifier salt*

For food additives belonging to the same class, are listed in the Codex and its use has been authorized, the following generic names can be used:

Aroma(s)

Chemically modified starch(es)

The "aromas" can be classified as: naturals, similar to naturals, artificial or a mix of them.

Elaboration cooperator and food additive transfer

Any food additive that has been used as a part of the ingredients of a compound ingredient or in the product's raw materials, and that has a technological effect in the final product, must be included in the list of ingredients.

^{*}Only in case of melted cheese and its by-products

The food additives transferred to the food in small quantities, and the elaboration cooperators do not need to be declared in the list of ingredients.

Net weight and drained weight

The net weight must be in units of the International System.

The net weight must be declared as follows:

- I. volume, for liquid foods
- ii. weight, for solid foods
- iii. weight, for semi-solid and viscous foods

In foods preserved with a liquid environment, besides the net weight, the drained weight must also be declared. As liquid environment will be understood water, sugar or salty watery solutions, fruit and vegetable juices and vegetables preserved in vinegar.

-Name and address

The name and address of the producer, wholesaler, importer, exporter or retailer must be written in the label.

-Country of Origin

The country of origin must be printed in the label.

When a product's nature is changed in a second country because of any elaboration process, this second country must be considered as the country of origin.

-Lot identification

Each container must have a clear and unerasable identification specifying the manufacturing factory and the lot number.

-Date and Conservation Instructions

Unless the Codex or one individual national norm specify something else, the date declaration should be done as follows:

- 1) The "best before" date (minimum duration date) should be used
- 2) This date must have at least the following:
 - -month and day for products with a minimum duration of less than three months.
 - -month and year for products with a minimum duration of more than three months. If the month is December, use only the year.
- 3) The date declaration must have the words "Best if consumed before...", for cases other than the ones in ii.
- 4) The sentence of iii. must be accompanied by:
 - -the date itself
 - -a reference to the place where the date is printed

- 5) The day, month and year must be numbers not codes. The month can be abbreviated with letters for countries where this practice does not confuse the consumers.
- As an exemption to 4.7.1 (I) the following products will not need the minimum duration date:
 - -fresh fruits and vegetables, including fresh potatoes (not peeled or cut);
 - -wine, sparkling wines, fruit wines and sparkling fruit wines;
 - -alcoholic beverages with more than 10 percent of alcohol per volume;
 - -bakery products that must be consumed within 24 hours;
 - -vinegar;
 - -salt (for food);
 - -solid sugar;
 - -candy products;
 - -bubble gum;
 - -specific products as determined by the Products Committees, national or Codex.
 - -any special instructions in order to preserve the product until that date must be printed in the label.

-User instructions

Instructions on how to use the product must be printed in the label (especially if the product needs to be reconstituted).

Additional mandatory requirements

Quantitative labeling of the ingredients

When an important ingredient is printed on the label, the percentage of this ingredient used in the elaboration of the product (m/m) must be indicated.

Also, when the label indicates that a product has a low level of an ingredient, the percentage of this ingredient (in m/m) in the final product must be indicated.

If the product name refers to an ingredient, this will not indicate (by itself) that the ingredient has special importance. This also applies for ingredients recalled as aromatizers (or used in small quantities) on the product label.

Exemptions to the Mandatory Labeling Requirements

Except for species and aromatic herbs, units of product smaller than 10 square centimeters (their largest surface) are exempted of the labeling requirements specified by section 4.2 and sections 4.6 thru 4.8.

Optional Labeling

The labeling of products can have any desired information as long as it does not violate the obligatory requisitions of this standard, included the requisitions regarding declaration of properties and fraud, as of Section 3 (General Principles).

-Quality Designations

When quality designations are used, they must be easily understandable and not deceptive in any way.

The data on the label must be clear so that consumers will be able to read all the information printed.

When a container is wrapped, the wrapping must have all the required information, or the container's label must be readable thru the wrapping.

The food's name and net weight must be placed in a prominent place and at the same level.

All labels must be in Spanish. For cases when the label is not in this language, a complementary label containing the information translated into Spanish, must be added.

When a new label (or a complementary label) is added to the container, the obligatory information must reflect the information printed on the original label.

Radiated foods

Labels of products that have been irradiated, must indicate such treatment in a place near the product name. The use of the international sign is optional, but whenever it is used, it must be place near the product name.

When an irradiated product is used as an ingredient, this circumstance must be declared in the list of ingredients. Also, when a product is made of only one ingredient and this is prepared with irradiated raw materials, the undergone treatment must be specified on the label.

C. FOOD ADDITIVE REGULATIONS

Costa Rica uses the Codex Food Additive list. The list may be obtained from the Ministry of Economy, Industry and Commerce, Departmento de Normas y Medidas, their address is provided in the appendix.

D. PESTICIDE AND OTHER CONTAMINANTS

The Ministry of Agriculture and Livestock is in charge of regulating pesticide residues in foodstuffs. Every chemical, biological, biochemical or related substance for agricultural use must be registered at the Ministry of Agriculture, Department of Agricultural Inputs Control (Departamento de Control de Insumos Agrícolas), and also at the Ministry of Health, Department of Toxic Substances (Ministerio de Salud, Departamento de Sustancias Toxicas). Registration requirements may be waived for products in transit, products used in research and products used to combat specific phytosanitary problems. The requirements and procedures for registration, importation, exportation, production, storage, distribution, transportation, repackaging, mixing, research, sale and use of these substances are described in the Technical Regulations for each type of agricultural input, including pesticides, fertilizers, biological and biochemical substances and related agricultural substances. Costa Rican pesticide regulations are based primarily on EPA and Codex regulations. A list of approved pesticides may be obtained from the Department of Agricultural Inputs Control, their address is provided in the contact section of this report.

E. OTHER REGULATIONS AND REQUIREMENTS

DIETETIC FOODS

The General Law of Health was created 20 years ago. In the past two years it has been applied with different criteria than before, especially regarding dietetic foods. The Ministry of Health based on this law has required that this kind of food products be registered in the Drug Control Department instead of the Food Control Department. This, based in Article 104 of the law, which defines as medicines, all kinds of dietetic foods, foods with any kind of medical substances added, as well as foods or products claiming health benefits.

The definition for dietetic foods (as defined by the General Law of Health, article 104) is as follows: dietetic products are the ones used to treat abnormal physical states and to reestablish or modify the person's organic functions. Foods with medical substances added are included under this definition.

Foods used for nutritional regimes which recommend a maximum daily dosage, or consumption of which must be restricted in order for the product to achieve its purpose, must also be registered in the Drug Control Department.

Dietetic foods must not be mistaken for lite products, low cholesterol products or high fiber products, which do not have medical substances added, are not used to reestablish a person's organic functions, or have restricted consumption. Lite products such as lite fruit cocktails, low fat milk and lite butter are not considered dietetic foods. Products labeled "without salt", "without sugar", "enriched with vitamins or minerals" are not considered dietetic foods according to the Ministry of Health.

Before being able to register the product, the importer must register in Costa Rica the U.S. laboratory that produces it (this procedure is usually lengthy and may be costly).

DECLARATIONS OF "HEALTHY"

It is any declaration, implicit or explicit, made in the label or labeling of a food product, including dietetic supplements, which includes the references of third parties, written declarations (trademarks which include terms as "heart"), symbols (a heart symbol), or illustrations which characterize the relation of any substance with a disease or health condition. Implicit health declarations include those declarations, symbols, illustrations or other forms of communication which suggest, within the context in which they are presented, that a relation exists between the presence or the level of a substance in the food and a health related condition.

COMPLEMENTARY NUTRITIONAL INFORMATION

The complementary nutritional information has the purpose of facilitating the consumer's understanding of the nutritive value of the food product and of helping him to interpret the declaration about the nutrient. There are several ways of presenting the information that can be used in the labels of food products, such as graphs, tables and other.

The use of complementary nutritional information in the labels of foods should be optional and should not substitute but add to the declaration of the nutrients.

The complementary nutritional information in the labels should be accompanied by educational programs for the consumer in order to increase his understanding ability and to allow for a better use of the information.

Appendix C. Directives for the use of portion. (Informative).

NUTRITIONAL LABELING WITH NUMBER OF PORTIONS

The label of a food product declaring the contained number of portions must indicate immediately after the declaration, the net portion (in terms of weight, volume and number). It may be expressed in different terms (cups, tablespoons, etc) as long as it does not lead to confusion. When the nutritional information is required, the declaration of the net quantity of the portion must be constant; for instance: 10 portions of 1 cup (250 ml).

DEFINITION OF THE REFERENCE QUANTITY GENERALLY CONSUMED IN ONE MEAL

To determine the size of the portion of foods that are not included in this Standard, the following information must be applied:

- -sizes of portion used in dietetic guides recommended by the authorities
- -sizes of portion recommended in the literature
- -sizes of portion used in other countries.

Since the reference quantity and also the declared portion in the label reflect the amount of food generally consumed, these should only be based on the edible part of the food, that is, excluding bones, seeds, skin and other non-edible parts.

The reference quantity must be based on the main use of the food; for example, milk as a beverage and not as an addition for cereals.

The reference quantity for products that are used as ingredients for other preparations but be consumed as they are purchased (for example, butter), must be based on the form they are purchased.

The declaration of nutrients must be made based on the food as it is packed, with the exception of foods canned in water, salt solution or oil, and whose covering is not generally consumed (for example, cherries, capers). These must be declared based in the drained product.

F. OTHER SPECIFIC STANDARDS

G. COPYRIGHT/TRADEMARK LAWS

Costa Rica is a signatory of all major international agreements and conventions on intellectual property, trademarks, copyrights, and patent protection. Costa Rica became a member of the World Intellectual Property Organization (WIPO) in 1980. In May 1995, the Legislative Assembly ratified the Paris Convention for the Protection of Industrial Property. Adherence to GATT Uruguay Round Agreements in December 1994 and the possibility of obtaining desired foreign investment has caused the Government of Costa Rica to contemplate extending patents on inventions beyond the current twelve year term (only one year on pharmaceuticals and agricultural chemicals), and such an initiative should be approved before the end of 1999, as required by the GATT Uruguay Round agreements.

Costa Rica adopted the revised Central American Convention on Industrial Property in 1995, which brings Central American laws on industrial property in conformity with world standards and the requirements of GATT Trade Related Aspects of Intellectual Property (TRIPS) and the major international conventions. However, Costa Rica has not yet ratified the TRIPS agreement.

Costa Rica is a signatory of the 1886 Bern Convention for the protection of literary and artistic works, the 1952 Universal Copyright Convention (Geneva), the 1961 Rome Convention for the Protection of Artists and Performers of artistic works, and the 1971 Geneva Convention for the protection of phonograms against unauthorized reproduction. Costa Rica has not ratified the 1974 Brussels satellite transmission convention. Copyrights can be registered with the National Registry, but protection is guaranteed under international treaties even if they are not registered locally.

In May 1994, Costa Rica amended its copyright law to strengthen sanctions for piracy and provide explicit protection of computer programs. Prior to this amendment, although computer programs could be registered as general copyrighted material, they were not explicitly protected by the Costa Rican copyright law. Gross violations of intellectual property continue in Costa Rica's video cassette market, where, according to U.S. industry sources, about 90 percent of tapes are unauthorized.

Trademarks are effectively protected by the National Registry, which keeps permanent files on foreign trademarks. Any trademark registered abroad can be registered in Costa Rica, and in practice, the trademark is protected from copy even if not registered in Costa Rica upon showing proof of registration abroad.

Costa Rica did not include ratification of TRIPS in its December 1994 Uruguay Round implementing legislation. As a Less Developed Nation, Costa Rica is permitted five years to implement TRIPS. In the transition period to 1999, a "mailbox" for submitting patent applications should be established at the National Registry. Draft legislation addressing procedures for patent applications has been submitted but not yet approved.

In theory, U.S. patents can be registered in Costa Rica in the Patents Office of the National Registry. However, Costa Rican law stipulates that patent protection for inventions cannot exceed twelve years. In the case of pharmaceuticals and agricultural inputs, the period of protection is limited to one year.

H. IMPORT PROCEDURE

Costa Rica requires no special documentation for the entry of goods other than commerical invoices, bills of lading and air-way bills. Mail shipments require only postal documentation. Bulk agricultural products and horticultural products require phytosanitary certificates. Zoosanitary (USDA/FSIS) certificates are required for importing fresh and frozen meats. Most processed food products (canned, boxed, pre-cooked) do not require phytosanitary or zoosanitary certificates, but exporters should check with their importer who are ultimately responsible for knowing local regulations.

Import of toxic substances, insecticides, pesticides and agricultural chemicals requires an import permit from the Ministry of Health as well as registration at the Ministry of Agriculture. The permit can be obtained with the presentation and approval of quantitative-qualitative analysis certificates and free-sale certificates, which must be provided by the exporter. These certificates must be authenticated by a Costa Rican consul in the United States or other country of origin.

Registration of food products must be made prior to the importation of the product. Labeling, according to the regulations described above, may be done after the product enters the country but in any case, before the product reaches the point of sale. Violations of documentation laws carry heavy fines. Consequently great care must be taken to avoid errors and infractions.

APPENDIX A- MAJOR REGULATORY AGENCIES\

Directora, Oficina Nacional De

Normas Y Unidades De Medida Ministerio De Economia Industria Y comerico Apartado 1736-2050 San Jose, Costa Rica

Phone: (506) 224-5130/283-6580

Fax: (506) 283-5133

Web page (contains detailed information on labeling requirements, standards, contacts etc.):

http://www.meic.go.cr/onnum/

Registration of food products:

Ministerio de Salud, Dirección de Controles y Registros de Alimentos

Apartado 10123-1000 San Jose, Costa Rica.

Tel: (506) 223-2612. Fax: (506) 224-1420

Registration of Agrochemicals:

Departamento de Control de Insumos Agricolas Direccion General de Proteccion Agropecuaria Ministerio de Agricultura y Ganaderia

Apartado 10094-1000 San Jose, Costa Rica Tel: (506) 260-8300 Fax: (506) 260-8301

Requirements for the importation of the following products may be obtained from the Costa Rican Animal and Plant Health Protection Department of the Ministry of Agriculture:

Botanical Seeds

Vegetables that have undergone a process

Grains

Biological Control Agents

Vegetable Products not included under botanical seed

Spices for consumption or processing

Vegetable products and their by-products

Propagation material

Fruits

Fertilizers, registration and labeling

Laboratory for residue analysis and chemical and biological substances of agricultural use

Pesticides, biological and biochemical: registration and labeling

Registration and examination of equipment for the application of chemical and biological substances of agricutural use

Maximum Residue levels of pesticides in vegetables

For information on any of these requirements please contact:

Direccion de Proteccion Agropecuaria Centro de Informacion Fitosanitaria y Zoosanitaria

Tel: (506) 260-6190 Fax: (506) 260-8291

e-mail: protagro@sol.racsa.co.cr

Agricultural Attache American Embassy, San Jose Frente al Centro Comercial de Pavas San Jose, Costa Rica

Phone: (506) 220-3939, ext 2333

FAX: (506) 232-7709